



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2018

CORAM :

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

TR.CMP(MD)No.22 of 2016

and

CMP(MD)No.354 of 2016 and 4226 of 2017

H.Aswani

... Petitioner

vs.

K.P.Rajan

... Respondent

Petition filed under Sections 24(1) read with 151 of the Civil Procedure Code, to withdraw and transfer HMOP.No.4228 of 2015 on the file of Family Court, Chennai to the Sub Court, Padmanabapuram.

For Petitioner : Mr.S.C.Herold Singh

For Respondent : Mr.B.Prahalad Ravi

ORDER

This Transfer Civil Miscellaneous Petition has been filed to withdraw and transfer HMOP.No.4228 of 2015 on the file of Family Court, Chennai to the Sub Court, Padmanabapuram.

2.Pursuant to the direction issued by this Court dated 29.06.2017, the matter was referred to the mediation centre for amicable settlement and the mediation centre has submitted a report dated 29.06.2017, by which, both the parties settled the matter amicably as under:-

'1.Both the parties decided for peaceful separation and this agreement is executed by them.

2.The petitioner Ms.H.Aswani has filed TR.CMP(MD) 22/2016 before this Hon'ble High Court against H.M.O.P.No.4228/2015 pending before the Family Court, Chennai.

3.As such both parties should get Divorce through their Court of jurisdiction. The petitioner will not oppose to H.M.O.P filed by the respondent.

4.The petitioner will withdraw the TR.CMP(MD)22/2016.

5.The respondent agrees to pay a sum of Rs.1,00,000/- (Rupees One Lakh Only) as one time settlement and permanent alimony to the petitioner. Out of this 1,00,000/- respondent promises to pay Rs.50,000/- (Rupees Fifty Thousand only) on or before 31.07.2017. The petitioner is quiet agreeable to receive the money herself from the respondent as mentioned above.



6. There shall be no further claim or demand from each other.''

3. Today, both the parties and their respective counsels are present. Learned counsel for the respondent submitted that as per clause 5 of the settlement, the respondent paid Rs.50,000/- out of Rs.1,00,000/- towards one time settlement and permanent alimony to the petitioner and the learned counsel produced a cheque dated 05.04.2018 for the balance amount of Rs.50,000/- payable to the petitioner and the same is handed over to the petitioner. The petitioner would state that she has no objection for granting divorce. The mediation report dated 29.06.2017 shall form part of the record. The respondent shall see to it that the above said cheque dated 05.04.2018 for Rs.50,000/- gets honoured. The parties are directed to adhere to the settlement entered into between themselves before the mediation centre.

With the above observation, this Transfer Civil Miscellaneous Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

1. The Judge,
Family Court,
Chennai.

2. The Subordinate Judge,
Sub Court, Padmanabapuram.

+1cc to M/S.S.C. Herold Singh, Advocate SR.No. 58348

+1cc to M/S.B. Prahalad Ravi, Advocate SR.No. 58866

TR.CMP (MD) No.22 of 2016

27.03.2018

bala

JM/KKR/SAR 3/16.04.2018/2P/5C